

others who were underemployed. It was an extremely difficult time in the history of our country. We do find ourselves in a very difficult position now, and we need to do what we can to work our way out of this situation so we don't have a depression but just a bad recession, and I am confident and hopeful we can do that.

Now, as I mentioned last night, we are going to work our very best to complete this legislation as soon as we can. But I was terribly disappointed to see in the newspaper this morning "GOP Reconsiders Use of Filibuster." It is a long article, but among other things it says:

A number of Republicans say they believe leadership may need to bring back the use of procedural filibusters.

Well, all filibusters are procedural, so I don't know what that means. Then, on the carryover page, the headline, "Filibusters May Be Back on Menu." And among other things, it says:

Using a procedural vote muddies the issue for the public and can allow Senators to stick with their party and block a bill while still being able to say they didn't technically vote against the legislation.

President Obama has given the Congress a charge: Help America work our way out of the economic downturn we find ourselves in. Now, there isn't a Senator, Democratic or Republican, who doesn't acknowledge we have a tremendous problem, but the question is, How are we going to work through this problem? Of course, every one of us might suggest we could write a better bill. We all have an ego, and so we think we could do a better job than President Obama and his people. But we are at a point now where we have, as I have indicated, 13 amendments pending—soon we will have 14—and I have no problem with that—but there comes a time when we need to work to complete the legislation.

Now, I am not in a hurry to finish this legislation. However, I would like to get it done because we have to get to a conference report. I am a little troubled, I have to acknowledge, by seeing that a number of Republicans now are talking about the use of the filibuster. I can understand, when we were an evenly divided Senate, that people complained because they didn't have an opportunity to offer amendments. But no one can complain about that now. So I say to everyone who is reconsidering the use of the filibuster: What more in the world could we do to be cooperative than to try to move legislation through this body? We have not tried to use the power of numbers. We simply want to get this legislation completed.

I say to everyone within the sound of my voice there are only 58 Democrats. If they decide to have a filibuster on this or block it procedurally, we still need two Republicans, and I am hopeful and confident Republicans of good will recognize the hole we are in and will help us get out of this.

I feel pretty good about the work we are trying to do. There were some im-

portant amendments dealt with, as I indicated, last night, and I have been told more are going to be offered, one by the senior Senator from Arizona and another by the junior Senator from Nevada that are in keeping with the many statements the Republican leader has made dealing with fixing the housing problems in America today. So I don't know of more that we could do to try to make the Republicans feel a part of what is going on around here.

I do think most Republicans feel we are doing fine. But remember, it only takes a few to get started again and then we have to file cloture and have a cloture vote Saturday or Sunday. I think it would be a shame to do that and wait 30 hours, as we did about 100 times in the last Congress. I hope we don't need to go through all that. We have too much to do for this country that is so vitally important to get hung up on some procedural quagmire.

I only say this because I can read. I can read and I understand what appears to be coming at us on this legislation. I hope not because it would be a real shame, seeing what our problems are, but a few Republicans are bound and determined to throw a monkey wrench into President Obama's recovery plan. That would be too bad.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

STIMULUS—DAY 3

Mr. MCCONNELL. Mr. President, briefly, I didn't see the article the majority leader is referring to, but I will say again publicly today what I said publicly yesterday and privately to him as well. We are pleased with the way the amendment process is being handled. We have many additional amendments to be offered today.

The majority leader said earlier in the week, and I certainly agree, that we know that the final vote will meet the 60-vote threshold. But regardless of what the article may have said, my view is we proceed as we did yesterday, get as many votes as we can in, and later in the day we can discuss what the endgame might be.

Now, the effects of the economic crisis are inescapable. Every day we hear about some of America's most venerable companies slashing jobs. The longer we wait, the worse this crisis could become. But action simply for the sake of action is always unwise. What is needed is the right action. The stimulus plan that Democrats in the House and Senate have proposed is not the right action.

First, it is too costly. Including interest, the proposal before us comes to a staggering \$1.3 trillion, a figure that makes most people's head spin. It includes billions in wasteful spending and it increases permanent Federal spend-

ing. Let me say that again: This bill, which is supposed to be temporary, timely, and targeted, increases permanent Federal spending by nearly \$300 billion, locking in bigger and bigger deficits every year.

Apparently, the authors of this bill couldn't resist inserting scores of long-cherished pet projects. That is how you end up with \$70 million for climate research, tens of millions to spruce up Government office buildings here in Washington, and \$20 million for the removal of fish passage barriers in a stimulus package, as I indicated earlier, that was supposed to be timely, temporary, and targeted.

The President said Sunday night we need to "trim out things that are not relevant to putting people back to work right now." It seems some in Congress haven't been listening. The bill's remaining defenders say it contains a number of projects essential to our long-term economic health. But with millions of struggling Americans learning to live with less, Congress needs to resist the temptation to load this bill with unnecessary spending that doesn't create jobs or which only touch on the problems that demand long-term planning and serious thought.

Yes, now is the time to act. But it is not the time to act foolishly. This week, Republicans have tried to improve this bill in a number of ways. One goal was to cut out the waste and bring down the total cost. So far, Democrats have rejected these efforts. Yesterday, they said no to cutting \$25 billion from the bill. That used to sound like a lot of money, but in the context of this bill, it was a relatively paltry amount. They said no to turning off spending on newly created programs, and they said no to turning off spending once the economy recovers.

In fact, throughout this entire debate, the two parties seem to have been guided by two different philosophies. The Democrats, it seems, decided on a random dollar amount of about \$900 billion and have spent most of their time either defending it or adding to it. Republicans, on the other hand, have thought all along that what we needed to do was to identify the core problem first and then see how much money it would cost to fix it.

In our view, and in the view of most economists, the root problem of the current crisis is housing—housing. It just so happens that fixing that problem would cost a lot less than \$1 trillion. In his op-ed in this morning's Washington Post, the President wrote that in this debate we can "place good ideas ahead of old ideological battles, and a sense of purpose above the same narrow partisanship." I couldn't agree more. But this bill doesn't do either one of those things.

Republicans remain committed to working with the President and with our friends on the other side to address this crisis. We agree something must be done, but it will require a lot more

work. Today, Republicans will present in greater detail our ideas for making this stimulus work. Our friend and colleague, Senator McCAIN, is here now to explain his proposal.

Mr. President, with that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I know the Senator from Arizona is eagerly awaiting the opportunity to offer his amendment. I only have a couple of words.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Reid (for Inouye/Baucus) amendment No. 98, in the nature of a substitute.

Murray amendment No. 110 (to amendment No. 98), to strengthen the infrastructure investments made by the bill.

Feingold amendment No. 140 (to amendment No. 98), to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking and requiring disclosure of lobbying by recipients of Federal funds.

Grassley (for Thune) amendment No. 197 (to amendment No. 98), in the nature of a substitute.

Baucus (for Dorgan) amendment No. 200 (to amendment No. 98), to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

Ensign amendment No. 353 (to amendment No. 98), in the nature of a substitute.

Dodd amendment No. 354 (to amendment No. 98), to impose executive compensation limitations with respect to entities assisted under the Troubled Asset Relief Program.

Barrasso amendment No. 326 (to amendment No. 98), to expedite reviews required to be carried out under the National Environmental Policy Act of 1969.

Barrasso (for DeMint) amendment No. 189 (to amendment No. 98), to allow the free exercise of religion at institutions of higher education that receive funding under section 803 of division A.

Baucus (for Boxer) amendment No. 363, to ensure that any action taken under this act of any funds made available under this act that are subject to the National Environmental Policy Act (NEPA) protect the public health of communities across the country.

Baucus (for Harkin/Stabenow) amendment No. 338 (to amendment No. 98), to require the Secretary of the Treasury to carry out a program to enable certain individuals to trade certain old automobiles for certain new automobiles.

Baucus (for Dodd) amendment No. 145 (to amendment No. 98), to improve the efforts of the Federal Government in mitigating home foreclosures and to require the Secretary of the Treasury to develop and implement a foreclosure prevention loan modification plan.

Baucus (for McCaskill) amendment No. 125 (to amendment No. 98), to limit compensation to officers and directors of entities receiving emergency economic assistance from the Government.

Baucus (for McCaskill) modified amendment No. 236 (to amendment No. 98), to establish funding levels for various offices of inspectors general and to set a date until which such funds shall remain available.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, to set the stage a little for today, to give Senators an opportunity to know the lay of the land, yesterday the Senate put in quite a long day, as we all know. By my count, we considered 28 amendments, we conducted 8 rollcall votes, and we accepted a number of amendments by voice vote.

I want to highlight one amendment adopted, the Isakson-Lieberman amendment, which provides Federal income tax credit for home purchases. This amendment addresses one of the central points that Senators on the other side of the aisle have been raising, namely that we need to address the housing market.

I might say, Senators on both sides of the aisle are concerned about the degree to which we are addressing the housing market. We adopted the Isakson-Lieberman amendment that does just that, and I am proud we accepted their idea.

I want to clear up the record on the Cornyn amendment. Yesterday I raised a pay-go point of order against the Cornyn amendment. After the Senate failed to waive the budget provisions, the Chair ruled the amendment violated the budget.

The budget rules require both the Presiding Officer and myself to rely on the Budget Committee to determine whether an amendment violates the budget. Budget Committee staff advised my staff and the Parliamentarian that there was a pay-go point of order against the Cornyn amendment. But in reality the amendment did not violate the pay-go rules.

I apologize to the Senator from Texas for raising that point of order. But as the vote to waive the budget was 37 in favor, 60 opposed, raising the point of order did not change the result and I hope my statement now will clear up the record.

Looking forward, we expect another busy day today. I expect we will process a number of amendments. We may have rollcall votes throughout the day. We may well work late into the evening. But I have good reason to hope we might finish this bill this evening, and that is a goal toward which we are working.

For the information of Senators, 14 amendments are now pending. Those

amendments are: the underlying Finance-Appropriations Committee substitute amendment, No. 98; the Murray amendment No. 110; the Feingold amendment No. 140, regarding earmarks—I might add, the Murray amendment No. 110 is with respect to infrastructure—again, the Feingold amendment No. 140 is with respect to earmarks; Thune amendment 197, that is a House Republican alternative; Dorgan amendment No. 200, runaway plants; Ensign amendment No. 353, substitute housing; Dodd amendment No. 354, executive pay; Barrasso amendment No. 326, environmental laws; DeMint amendment No. 189, religious freedom; Boxer amendment No. 363, environmental laws; Harkin amendment No. 338, auto trade-in; Dodd amendment No. 145, foreclosure mitigation; McCaskill amendment No. 125, CEO pay; McCaskill amendment No. 236, as modified—I think that is with respect to the inspector general.

That is it so far. This morning we expect to hear from Senator McCAIN on his substitute amendment. Thereafter, we expect to hear from Senators ENSIGN, WYDEN, and CANTWELL about amendments they intend to offer. Once again, I ask Senators to let the managers know about amendments they intend to offer. The more we know, the more quickly and expeditiously we can proceed. A little notice helps a lot here.

We had a great day yesterday. I expect another one today. Mind you, we must move quickly because the recession is so deep. Americans are depending on Congress to act. Let's act, let's get the job done. Other problems that are very important can be pushed off to later dates, but today let's get this bill passed and in conference with the House so the President can sign it and people can get some relief.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. McCAIN. If the Senator has an urgent matter, I will be happy to yield.

Mr. SANDERS. Thirty seconds.

Mr. McCAIN. For 30 seconds.

Mr. SANDERS. Will the Senator from Montana answer a question? We have an amendment with Mr. GRASSLEY that we wish to bring up. Can we get it in order as well?

Mr. BAUCUS. Senator, offer your amendment.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

AMENDMENT NO. 364 TO AMENDMENT NO. 98

(Purpose: To propose a substitute)

Mr. McCAIN. Mr. President, I ask the pending amendments be set aside and ask consideration of an amendment that I have at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows: